

STD,TERMED

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:01-cv-00590-JAT**

Natl Org of Vets Adv v. USA, et al
Assigned to: Judge James A Teilborg
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 04/02/2001
Date Terminated: 09/11/2002
Jury Demand: None
Nature of Suit: 895 Other Statutes:
Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**National Organization of Veterans'
Advocates Incorporated**
also known as
NOVA

represented by **Theodore C Jarvi**
Law Offices of Theodore Jarvi
1050 E Southern Ave
Ste G3
Tempe, AZ 85282
480-838-6566
Fax: 480-838-8810
Email: theodore.jarvi@azbar.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

United States of America
Department of Veterans' Affairs

represented by **Michael R Arkfeld**
US Attorney's Office
2 Renaissance Sq
40 N Central Ave
Ste 1200
Phoenix, AZ 85003
602-514-7500
Fax: 602-514-7760
Email: mike.arkfeld@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Anthony J Principi
*In His Official Capacity as Secretary of
the Veterans Affairs Administration*

represented by **Michael R Arkfeld**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/02/2001	1	COMPLAINT FILED (LSP) Modified on 09/21/2001 (Entered: 04/03/2001)
04/05/2001	<u>2</u>	STANDARD CIVIL TRACK INITIAL ORDER by Judge James A. Teilborg (cc: all counsel) re: order [2-1] (MAP) (ADI-ICMS,). (Entered: 04/05/2001)
04/11/2001	3	RETURN OF SERVICE EXECUTED (summons/complaint) personal upon Larry McGowna for US Atty Dist of AZ on 4/3/01 (MAP) (Entered: 04/16/2001)
04/25/2001	4	MOTION to extend time to answer by dfts (all) [4-1] (MAP) (Entered: 04/30/2001)
04/25/2001	5	RETURN OF SERVICE EXECUTED (summons/complaint) upon US Atty Genl by certified mail for dft USA on 4/9/01 (MAP) (Entered: 04/30/2001)

04/25/2001	6	RETURN OF SERVICE EXECUTED (summons/complaint) certified mail upon dft Anthony Principi on 4/6/01 (MAP) (Entered: 04/30/2001)
04/25/2001	7	RETURN OF SERVICE EXECUTED (summons/complaint) certified mail upon Dept of Veteran's Affairs on 4/6/01 (MAP) (Entered: 04/30/2001)
04/27/2001	8	RESPONSE by pla Natl Org of Vets Adv to motion to extend time to answer by dfts (all) [4-1] (MAP) (Entered: 04/30/2001)
04/27/2001	9	MOTION for the Court to set a Preliminary Pretrial Conference by pla Natl Org of Vets Adv [9-1] (MAP) (Entered: 04/30/2001)
05/02/2001	10	ANSWER by dfts (all) (MAP) (Entered: 05/09/2001)
05/21/2001	11	MINUTE ORDER IT IS ORDERED denying motion to extend time to answer by dfts (all) [4-1] as moot, an answer having been filed. (cc: all counsel) [11-2] (TLB) (Entered: 05/21/2001)
05/21/2001	<u>12</u>	ORDER SETTING RULE 16 PRELIMINARY PRETRIAL CONFERENCE by Judge James A. Teilborg prel scheduling conf set for 10:30 7/9/01 (cc: all counsel) (MAP) (ADI-ICMS,). (Entered: 05/21/2001)
05/24/2001	13	MINUTE ORDER The Court having received motion for the Court to set a Preliminary Pretrial Conference by pla Natl Org of Vets Adv [9-1] and the Court having setting a R16 Prel Sched Conf for 7/9/01, the motion is granted as moot. (cc: all counsel) [13-1] (TLB) (Entered: 05/24/2001)
05/30/2001	14	MOTION for postponement of pretrial conference by dfts (all) [14-1] (MAP) (Entered: 06/01/2001)
06/15/2001	15	MOTION to amend complaint by pla Natl Org of Vets Adv [15-1] (NO LODGED PLEADING SUBMITTED, SIGNED COPY ATTACHED AS AN EXHIBIT (MAP) (Entered: 06/18/2001)
06/15/2001	16	RESPONSE by pla Natl Org of Vets Adv to motion for postponement of pretrial conference by dfts (all) [14-1] (MAP) (Entered: 06/18/2001)
06/29/2001	17	CASE MGT PLAN (MAP) (Entered: 07/02/2001)
06/29/2001	18	NOTICE of compliance of initial disclosure statement pursuant to FRCivP 26(a) by pla Natl Org of Vets Adv (KMG) (Entered: 07/03/2001)
06/29/2001	19	NOTICE (ACTUAL DISCLOSURE) of compliance of initial disclosure statement pursuant to FRCivP 26(a) by pla Natl Org of Vets Adv (KMG) (Entered: 07/03/2001)
07/09/2001	20	MINUTE ENTRY before Judge James A. Teilborg . Crt Rptr: David German. Appearances: Theodore C. Jarvi for pla. Richard Patrick telephonically for dft. R16 Sched. Conference held. IT IS ORDERED denying as moot motion for postponement of pretrial conference by dfts (all) [14-1]. IT IS ORDERED granting motion to amend complaint by pla Natl Org of Vets Adv [15-1]. discovery ddl 9/15/01; dispositive mtn ddl 12/1/01. R16 Sched Order to follow. [cc: JAT] [20-2] (TLB) (Entered: 07/09/2001)
07/12/2001	<u>21</u>	RULE 16 SCHEDULING ORDER by Judge James A. Teilborg discovery due 9/17/01 ; dispositive motions due 12/1/01 (cc: all counsel) re: order (scheduling) [21-1] (MAP) (ADI-ICMS,). (Entered: 07/12/2001)
07/25/2001	22	NOTICE by pla Natl Org of Vets Adv of filing first Amended Complaint (KMG) (Entered: 07/27/2001)
07/25/2001	23	FIRST AMENDED COMPLAINT by pla Natl Org of Vets Adv ; [1-1] (KMG) (Entered: 07/27/2001)
08/01/2001	24	ANSWER to First Amended Complaint [23-1] by dft USA, dft Anthony J Principi (KMG) (Entered: 08/02/2001)
11/29/2001	25	MOTION for Rule 56(a) Summary Judgment by pla Natl Org of Vets Adv [25-1] (KMG) (Entered: 12/03/2001)

11/29/2001	26	SEPARATE STATEMENT OF FACTS by pla Natl Org of Vets Adv re motion for Rule 56(a) Summary Judgment by pla Natl Org of Vets Adv [25-1] [25-1] (KMG) (Entered: 12/03/2001)
12/27/2001	27	MOTION (for elargement) to Extend Time to Responds to pla's Motion for Summary Judgment by dft USA, dft Anthony J Principi [27-1] (KMG) (Entered: 01/02/2002)
01/07/2002	<u>28</u>	ORDER by Judge James A. Teilborg granting motion (for elargement) to Extend Time until 1/15/02 to Responds to pla's Motion for Summary Judgment by dft USA, dft Anthony J Principi [27-1] (cc: all counsel) (KMG) (ADI-ICMS,). (Entered: 01/07/2002)
01/15/2002	29	MOTION to exceed the page limit on their Response to pla's Motion for Summary Judgment by dft USA [29-1] (NOTE: LODGED Response and accompanying Statement of Facts in Support of dft's Response are being held at docket clerks desk) (KMG) Modified on 01/17/2002 (Entered: 01/17/2002)
01/18/2002	<u>30</u>	ORDER by Judge James A. Teilborg granting motion to exceed the page limit on their Response to pla's Motion for Summary Judgment by dft USA [29-1] (NOTE: LODGED Response and accompanying Statement of Facts in Support of dft's Response are being held at docket clerks desk) (cc: all counsel) (KMG) (ADI-ICMS,). (Entered: 01/18/2002)
01/18/2002	31	CROSS-MOTION for Summary Judgment by dft USA, dft Anthony J Principi [31-1] and RESPONSE to plas' Motion for Rule 56(a) Summary Judgment by pla Natl Org of Vets Adv [25-1] [25-1] by dft USA, dft Anthony J Principi (KMG) (Entered: 01/18/2002)
01/18/2002	32	STATEMENT OF FACTS by dfts USA, and Anthony J Principi in Support of Response to Motion for Summary Judgment and in Support of Cross-Motion [31-2] for Summary Judgment by dft USA, dft Anthony J Principi [31-1] (KMG) (Entered: 01/18/2002)
01/25/2002	33	MOTION to Extend Time to Reply to dfts' Response to Motion for Summary Judgment by pla Natl Org of Vets Adv [33-1] (KMG) (Entered: 01/28/2002)
01/25/2002	34	MOTION to Strike dfts' Cross-Motion for Summary Judgment by dft USA, dft Anthony J Principi [31-1] [31-1] by pla Natl Org of Adv [34-1] (KMG) (Entered: 01/28/2002)
01/30/2002	<u>35</u>	ORDER by Judge James A. Teilborg granting motion to Extend Time until 2/18/02 in which pla shall have to Reply to dfts' Response to Motion for Judgment by pla Natl Org of Vets Adv [33-1] (cc: all counsel) (KMG) (ADI-ICMS,). (Entered: 01/30/2002)
02/04/2002	36	RESPONSE by dfts USA, and Anthony J Principi to motion to Strike dfts' Cross-Motion for Summary Judgment by dft USA, dft Anthony J Principi [31-1] [31-1] by pla Natl Org of Adv [34-1] (KMG) (Entered: 02/07/2002)
02/11/2002	37	REPLY by pla Natl Org of Vets Adv to response to motion to Strike dfts' Cross-Motion for Summary Judgment by dft USA, dft Anthony J Principi [31-1] [31-1] by pla Natl Org of Adv [34-1] (KMG) (Entered: 02/13/2002)
02/13/2002	38	MINUTE ORDER IT IS ORDERED that becuase it appears that this case may be appropriate for disposition on the pleadings, the Court denies pla's Motion to Strike [34-1] dfts' Cross-Motion for Summary Judgment. The Court also denies pla's request for oral argument on the motion to strike. Pla shall respond to dfts' cross-motion for summary judgment by March 15, 2002. Dft may file a reply to pla's response to dfts' cross-motion for summary judgment within the time provided by the Federal Rules of Civil Procedure. Pla's reply to dfts' response to pla's motion for summary judgment remains due February 19, 2002. (cc: all counsel) [38-1] (TLB) (Entered: 02/13/2002)
02/19/2002	39	MOTION to exceed the page limit on their Reply to dfts' Response to Motion for Summary Judgment by pla Natl Org of Vets Adv [39-1] (NOTE: LODGED Reply [including audio tape] to Motion for Summary Judgment is being held at docket clerks desk). (KMG) (Entered: 02/20/2002)

02/22/2002	<u>40</u>	ORDER by Judge James A. Teilborg granting motion to exceed the page limit on their Reply to dfts' Response to Motion for Summary Judgment by pla Natl Org of Vets Adv [39-1] (NOTE: LODGED Reply [including audio tape] to Motion for Summary Judgment is being held at docket clerks desk). (cc: all counsel) (KMG) (ADI-ICMS,). (Entered: 02/22/2002)
02/22/2002	41	REPLY by pla Natl Org of Vets Adv to response to motion for Rule 56(a) Summary Judgment by pla Natl Org of Vets Adv [25-1] (note: Includes Exhibit #3 Audio Tape of Oral Argument). (KMG) (Entered: 02/22/2002)
02/25/2002	42	MOTION to Treat Pla's Reply Brief as a Response to Dft's Cross Motion for Summary Judgment by pla Natl Org of Vets Adv [42-1] (SAT) (Entered: 02/27/2002)
03/04/2002	44	MOTION for enlargement of time until 3/24/02 to Reply to Plaintiff's Response to Defendants' Cross-Motion for Summary Judgment by dfts [44-1] (SAT) (Entered: 03/05/2002)
03/05/2002	43	MINUTE ORDER Plaintiff's Motion to Treat Pla's Reply Brief as a Response to Dft's Cross Motion for Summary Judgment by Natl Org of Vets Adv [42-1] is GRANTED. Thus, the Reply filed by pla [41-1] is both pla's reply to pla's motion for summary judgment and pla's response to dft's cross-motion for summary judgment. Dft may file a reply to pla's response to dft's cross-motion for summary judgment within the time allowed by the Federal Rules of Civil Procedure.(cc: all counsel) [43-1] (TLB) (Entered: 03/05/2002)
03/07/2002	<u>45</u>	ORDER by Judge James A. Teilborg granting dfts' Motion for Enlargement of Time until 3/24/02 to Reply to Plaintiff's Response to Defendants' Cross-Motion for Summary Judgment by dfts [44-1] (cc: all counsel) (KMG) (ADI-ICMS,). (Entered: 03/07/2002)
03/25/2002	46	REPLY by dft USA to response to Motion for Summary Judgment by dft USA, dft Anthony J Principi [31-1], and RESPONSE to Motion for Rule 56(a) Summary Judgment by pla Natl Org of Vets Adv [25-1] (KMG) (Entered: 03/27/2002)
04/02/2002	47	MINUTE ORDER IT IS ORDERED setting oral argument on motion for Rule 56(a) Summary Judgment by pla Natl Org of Vets Adv [25-1] and motion for Summary Judgment by dft USA, dft Anthony J Principi [31-1] at 11:00 a.m., Tuesday, 9/3/02. To assist the court reporter, the parties shall prepare and bring to the oral argument a Table of Authorities, in alphabetical order, which includes all of the authorities on which the parties will rely at oral argument. The Table of Authorities shall not exceed the scope of the parties pleadings. (cc: all counsel) [47-1] (TLB) (Entered: 04/02/2002)
09/03/2002	48	MINUTE ENTRY before Judge James A. Teilborg . Crt Rptr: David German. Appearances: Theodore C. Jarvi for pla. Michael R. Arkfeld for dft. Motion hearing/oral argument held. Pla's exhibits 1 and 2 marked for identification. IT IS ORDERED taking under advisement on 9/3/02 the motion for Summary Judgment by dft USA, dft Anthony J Principi [31-1], and the motion for Rule 56(a) Summary Judgment by pla Natl Org of Vets Adv [25-1]. [cc: JAT] [48-1] (TLB) (Entered: 09/03/2002)
09/03/2002	49	Petitioner's EXHIBIT LIST submitted by the Court re Motion hearing on 9/3/02 (MAP) (Entered: 09/09/2002)
09/11/2002	<u>50</u>	ORDER by Judge James A. Teilborg denying motion for Summary Judgment by dft USA, dft Anthony J Principi [31-1] FURTHER ORDERED granting motion for Rule 56(a) Summary Judgment by pla Natl Org of Vets Adv [25-1] terminating case (cc: all counsel) (MAP) (ADI-ICMS,). (Entered: 09/11/2002)
09/11/2002	<u>51</u>	JUDGMENT: that this Court having granting Defendants' Motion for Summary Judgment, Plaintiff take nothing. This Complaint and action are hereby dismissed. (cc: all counsel) re: judgment [51-1] (MAP) (ADI-ICMS,). (Entered: 09/11/2002)
09/13/2002	<u>52</u>	MINUTE ORDER re Exhibits (cc: all counsel) [52-1] re: order (minute) [52-1] (MAP) (ADI-ICMS,). (Entered: 09/13/2002)